

1 (SEE SIGNATURE PAGE FOR ATTORNEY LIST)

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3 **IN THE UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **OAKLAND DIVISION**

6 DROPLETS, INC.,

7 Case No. 12-cv-03733-JST

8 Plaintiff,

9 **JOINT CASE MANAGEMENT**
10 **STATEMENT REGARDING AMENDED**
11 **PRETRIAL AND TRIAL SCHEDULE**

12 v.

13 YAHOO!, INC.,

14 Defendant.

15 OATH, INC., et al.,

16 Intervenor-Plaintiffs,

17 v.

18 DROPLETS, INC.,

19 Intervenor-Defendant.

20 DROPLETS, INC.,

21 Plaintiff,

22 v.

23 NORDSTROM, INC.,

24 Defendant.

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1 Counsel for Plaintiff Droplets, Inc. (“Droplets”), Defendants Yahoo! Inc. (“Yahoo”) and
 2 Nordstrom, Inc. (“Nordstrom”), and Intervenor-Plaintiffs Oath Inc. and Oath Holdings, Inc. (together
 3 d/b/a “Verizon Media”), pursuant to the Court’s May 7, 2021 Order (ECF No. 754), submit this Joint
 4 Case Management Statement.

5 On May 7, 2021, the Court issued an Order vacating the trial scheduled to begin on June 21,
 6 2021, converting the May 21, 2021 pretrial conference to a case management conference, and
 7 requesting that the parties meet and confer and submit an amended pretrial and trial schedule that
 8 assumes that any motion already under submission will be decided by July 2, 2021. ECF No. 754.

9 The parties agree that the currently scheduled September trial should proceed as planned. The
 10 parties disagree as to the scheduling of the other trial: Droplets’ position is that it should proceed as
 11 soon as the Court’s calendar permits; Defendants’ position is that it should proceed as soon as the
 12 Court’s calendar permits but after the September trial. Droplets’ position is that the Yahoo trial should
 13 proceed during the currently scheduled September trial setting; Defendants take no position on which
 14 of their trials should go first. The Court had not previously determined the ordering of the trials.

15 Below is the parties’ proposal for the trial and pretrial schedules:

16 **Re-Scheduled June Trial Setting**

17 Event	18 Current Deadline	19 Jointly Proposed Deadline
20 Pretrial conference statement due	21 May 14, 2021 (vacated)	22 38 days before the trial
23 Pretrial conference	24 May 21, 2021 at 2:00 p.m. (vacated)	25 31 days before the trial at 2:00 p.m.
26 Trial (12 days estimated length)	27 June 21, 2021 at 8:00 a.m. (vacated)	28 Droplets: When the Court’s calendar permits Defendants: after the September trial, when the Court’s calendar permits

September Trial Setting

Event	Current Deadline	Jointly Proposed Deadline
Pretrial conference statement due	August 6, 2021	August 6, 2021
Pretrial conference	August 13, 2021	August 13, 2021 at 1:30 p.m.
Trial (12 days estimated length)	September 13, 2021	September 13, 2021 ¹ at 8:00 a.m.

The parties will be prepared to discuss these proposals with the Court at the May 21, 2021 Case Management Conference.

For the Court's reference, the following motions are currently pending:

- Droplets’ Motion to Exclude Certain Testimony of Nisha Mody (ECF No. 602)
- Droplets’ Motion to Exclude Certain Testimony of Peter Kent and Itamar Simonson (ECF No. 605)
- Droplets’ Motion to Exclude Certain Testimony of Michael Shamos and Benjamin Bederson (ECF No. 608)
- Droplets’ Motion to Exclude Certain Testimony of Nicholas Godici (ECF No. 609)
- Droplets’ Motion for Partial Summary Judgment (ECF No. 610)
- Nordstrom’s Motion for Summary Judgment (ECF No. 611)
- Yahoo’s Motion to Exclude Certain Testimony of Jim Bergman, Elliot Schwartz, and Ivan Zatkovich (ECF No. 617)
- Nordstrom’s Motion to Exclude Certain Testimony of Jim Bergman and Elliot Schwartz (ECF No. 621)
- Droplets’ Motion for Leave to File a Supplemental Brief in Opposition to Nordstrom’s Motion for Summary Judgment (ECF No. 753)
- Yahoo’s Administrative Motion for Permission to File Motion for Summary Judgment of Noninfringement (ECF No. 757)

¹ Members of Defendants' trial teams and at least one of Defendants' experts are unavailable September 15-16 for Yom Kippur.

1 • Droplets' Motion to Clarify Claim Construction (ECF No. 760)

2 Dated: May 19, 2021

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8 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1**

9 Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document
10 has been obtained from each of the other signatories.

11 Dated: May 19, 2021

12 /s/ Courtland L. Reichman
13 Courtland L. Reichman

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